

U.S. Application Serial No. 10/522,582  
Helmling et al.  
Response to Election/Restriction mailed 24 January 2007  
Atty. Docket No.: 116676-002

Kindly replace the Sequence Listing previously filed with the attached, updated 62-page paper copy of the Sequence Listing containing 130 sequences.

## REMARKS

The Examiner identified seven inventions.

Applicants elect with traverse the invention of Group 1, claims 1, 3-14, 26, 27 and 30.

Claim 2 relates to a nucleic acid that antagonizes a ghrelin receptor, which nucleic acid is one which, as recited in claim 1, binds ghrelin. As the search of the nucleic acid of Group 1 necessarily will encompass a nucleic acid which antagonizes a ghrelin receptor by binding ghrelin, the searches are coextensive. Hence, Applicants respectfully request the restriction between Groups 1 and 2 be collapsed.

Regarding SEQ ID NO:85 of U.S. Pat. No. 5,847,258, that is but a primer, and is not the same as the nucleic acid of SEQ ID NO:33 of the instant application, which is a molecule which binds ghrelin. Hence, the two sequences are unrelated.

According to current practice, when the invention of Group I relating to a product is found patentable, method claims dependent thereon, Groups 4, 5 and 7, will be rejoined and examined on the merits.

As to the nucleotide sequence, Applicants elect with traverse, SEQ ID NO:8.

The sequences have a common property, they bind ghrelin. Moreover, the molecules must share a common structure to be able to bind the same one molecule. Hence, the requirement is not proper and the instant election should be considered an election of species, wherein, when SEQ ID NO:8 is found patentable, the other species of claim 8 also be examined.

Attached hereto, and filed concurrently herewith are updated paper and electronic versions of the Sequence Listing, respectively, to include sequences presented in the specification as filed, but which were inadvertently not included in the prior version of the Sequence Listing. No new matter is introduced into the application as filed with the attached

Sequence Listing, and the content of the attached paper copy and the concurrently filed electronic copy of the Sequence Listing is the same.

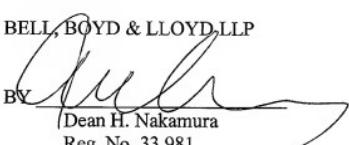
The Commissioner hereby is authorized to charge Deposit Account No. 02-1818 for any fees required by the instant Preliminary Amendment.

Favorable consideration and early indication of allowance are solicited earnestly.

Respectfully submitted,

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Dated: 23 July 2007